

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BERNARDO MENDIA,

Plaintiff,

vs.

JOHN M. GARCIA, *et al.*,

Defendants.

No.: C 10-3910 MEJ

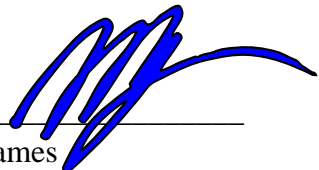
**~~PROPOSED~~ ORDER TO SET THE
BRIEFING SCHEDULE**

Re: Docket No. 62

Having considered the Motion to Set the Briefing Schedule filed by the federal defendants, John M. Garcia, Ching Chang, and the United States Department of Homeland Security, it is hereby ORDERED that the motion is GRANTED. Accordingly, Plaintiff will have ninety (90) days, by March 10, 2015, to obtain new counsel and to seek leave of this Court to file a Second Amended Complaint, if he so desires. ~~Defendants will have sixty (60) days from the date this Court grants leave to respond to the Second Amended Complaint. Alternatively, if~~ Plaintiff does not file a motion for leave to amend the Complaint by March 10, 2015, then Defendants will have sixty (60) days, by May 11, 2015, to renew their Motion to Dismiss the First Amended Complaint on the additional bases that were not addressed by the United States Court of Appeals for the Ninth Circuit in *Mendia v. Garcia*, 768 F.3d 1009 (9th Cir. 2014). The Clerk of Court shall reopen this case.

IT IS SO ORDERED

Dated: December 17, 2014



Maria-Elena James
United States Magistrate Judge